



United States Department of the Interior
BUREAU OF INDIAN EDUCATION
Chichiltah-Jones Ranch Community School
P.O. Box 278 – 831 Cousins Rd.
Vanderwagen, New Mexico 87326-0278
Telephone: (505)778-5574/5578
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**Letter of Appeal - Request for Review
CC Docket No. 02-6**

Attn: Marlene H. Dorch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Dr
Capitol Heights, MD 20743

Decision Document: FCDL – Funding Year 2012–2013 (02/05/2013)
Funding Year: 14 (2012-2013)
BEN: 99190
471 #: 871964
FRN: 2378230 and 2378232
SPIN for FRN 2378230: CenturyLink CenturyTel of the Southwest (New Mexico) (143002561)
SPIN for FRN 2378232: Southwest Communication Systems, Inc. (143024692)

Entity Information:
Chi-Chil-Tah/Jones Ranch
P.O. Box 278
Vanderwagen, NM 87326
Contact: Add Principal
Email: Ad Principal
Telephone: (505) 778-5574
Fax # (404) 778-5575

**FRN 2378230 – FCDL Date: 02/05/2013
FCDL Decision information:**

The FRN is denied because the applicant failed to respond to the Administrator's Selective Review Information Request. You did not provide any documentation to determine if the entity met Program rules for competitive bidding and the FCC Form 471 Item 25 Certification.

**FRN 2378232 – FCDL Date: 02/05/2013
FCDL Decision information:**

DR1: This funding request is denied as a result of a Cost Effectiveness Review, which has determined that your request for Internet Access has not been justified as being cost effective as required by FCC Rules. Insufficient documentation was provided by the applicant.

DR2: The FRN is denied because the applicant failed to respond to the Administrator's Selective Review Information Request. You did not provide any documentation to determine if the entity met Program rules for competitive bidding and the FCC Form 471 Item 25 Certification.

OVERVIEW:

The Schools and Libraries Division did not receive documentation requested because the E-rate contact (Jens Rossler) for our school had been, and still is severely ill and missed many months of work over the past year and a half. He has undergone quadruple bypass heart surgery. He is still on very limited duty as per doctor's orders and only works at the school periodically. His illness and prolonged absence from the school prevented him from completing the necessary actions for the E-rate process. Our school sincerely hopes you will consider our situation as justification to approve this appeal so we can receive this vital funding to our school. We are bringing this appeal directly to the FCC as we realize we are beyond the 60-day time limit with USAC.

DETAILED EXPLANATION:

Item 1. FRN 2378230 – FCDL Date: 02/05/2013

- **FCDL Decision information:**

- *The FRN is denied because the applicant failed to respond to the Administrator's Selective Review Information Request. You did not provide any documentation to determine if the entity met Program rules for competitive bidding and the FCC Form 471 Item 25 Certification.*

- **Explanation:**

- This FRN refers to local and long distance telephone service discounts. We have been using this service for years as an existing month-to-month service. We filed our Form 470 on 02/17/2012. The Form 470 number for this application is 141110001026301. No bids were requested and no bids were received. We submitted the telephone bill used in computation as the Item 21 attachment for this FRN with the Form 471 after the allowable contract date of 03/16/2012. We met the guidelines of the 28-day rule as written into the program rules. We checked block 25 on the Form 471 and certified the form within program rules. We are prepared to resubmit any documentation to validate this FRN.

Item 2. FRN 2378232 – FCDL Date: 02/05/2013

- **FCDL Decision information:**

- *DR1: This funding request is denied as a result of a Cost Effectiveness Review, which has determined that your request for Internet Access has not been justified as being cost effective as required by FCC Rules. Insufficient documentation was provided by the applicant.*
- *DR2: The FRN is denied because the applicant failed to respond to the Administrator's Selective Review Information Request. You did not provide any documentation to determine if the entity met Program rules for competitive bidding and the FCC Form 471 Item 25 Certification.*

- **Explanation:**

- **DR1:** This FRN refers to Wireless Broadband Internet Access service discounts. We originally contracted this service in Funding Year 2010 through the E-rate process because of our remoteness and lack of adequate broadband service. Our first funding request was successfully funded. The original contract was for three years and it was extended in 2012 for an additional three years. Additionally, we have been funded for our Funding Year 2013 request for this same service. In all cases, we filed in accordance with program rules.
- **Cost Effective Review Questions sent to our school follow:**

Based upon the information before us at this time, we are unable to make a positive determination that the funding request is cost effective. However, we are affording you an opportunity to submit further information that would justify your request. A favorable determination requires that we have a full understanding of the specific services for the amount requested, and a justification that establishes that the funding request is cost effective. The information needed to complete this evaluation is as follows:

FRN 2378232 requesting \$48,701.40 for broadband internet service

- *Please provide vendor documentation to support this request. NOTE: Vendor documentation can consist of any of the following: a copy of the contract, a copy of the summary pages from the bill, a copy of the vendor's quote/bid/RFP response on vendor letterhead. Vendor documentation must include a service description (ie. 50 Mbps Internet Access) and the associated cost/price of the service.*
- Our Response would have been and still is: We are selecting the three year 10Mb option of the revised and renewed contract – (see Exhibit 1 Below). In doing so, this request can be reduced from an original amount of 48.701.40 to that of 2,520 per month or 30,240 pre-discount amount.

Proposer: Southwest Communication Systems, Inc.
Customer: dba SCSCConnect
 ChiChiTah/Jones Ranch School

Pricing Update: 01/01/2012

Contact: Jens Rossler/Brett Stoneberger

SCSCConnect AE: Wendy Heinz, 505-863-2424, ext 109
 SCSCConnect is pleased to submit a quotation for Internet Access to ChiChiTah/Jones Ranch School.

General Scope:
 Provide a wireless connection to ChiChiTah/Jones Ranch School.

SCS SPIN #: 143024692- USAC

SCSCCONNECT WIRELESS BROADBAND QUOTE				Monthly Pricing Charges				
Service Description	Qty	Units	Unit Price/MB	Month to Month Extended Price /MB	12 Month Extended Price (on Contract)	24 Month Extended Price (on Contract)	36 Month Extended Price (on Contract)	60 Month Extended Price (on Contract)
3 MB of Wireless Broadband	3	MB	\$280.00	\$280.00	\$271.60	\$263.20	\$252.00	\$238.00
Total for 3 MB (Does not include sales tax)				\$840.00	\$814.80	\$789.60	\$756.00	\$714.00
10 MB of Wireless Broadband	10	MB	\$280.00	\$280.00	\$271.60	\$263.20	\$252.00	\$238.00
Total for 10 MB (Does not include sales tax)				\$2,800.00	\$2,716.00	\$2,632.00	\$2,520.00	\$2,380.00

Acceptance of pricing changes:

Exhibit 1 – 01/01/2012 Pricing update

- *How many lines/circuits are part of this funding request?*

Our Response would have been and still is: 1 line.

- *What is the bandwidth of these lines/circuits?*

Our Response would have been and still is: 10 MB

- *What are these lines/circuits used for?*

Our Response would have been and still is: Broadband Internet Access for our school

- *FOR ALL FRNs:*

1. *How many buildings are associated with this application?*

Response: 7 Buildings

2. *How many total rooms are associated with this application?*

Response 18 rooms with internet access

3. *In addition to the 125 students, how many total teachers and staff will use this service?*

Response – 30 Teachers & Staff

4. *Please indicate if there are any special circumstances, rationale, or justification that we should be aware of that would validate your funding request as cost effective.*

Response – This is a remote school on the Navajo Reservation. Property and easement issues have prevented the installation of telephone or high-speed Internet access to the school and others. Our school is one of the only schools in the BIE, which still relies on satellite or other non-terrestrial solutions for Internet access. Satellite access was so slow that it was nonfunctional. Therefore the only reasonable solution is to provide microwave access from approximately 12 miles away. This access is vital to the school to be able to function and provide the best educational environment to our students.

5. *Please provide a description of how you chose your service providers as a cost effective source for the services requested.*

Response – The Bureau of Indian Education (BIE) requires all Bureau schools to operate all Internet access and services within a common operating platform approved for security reasons by the Bureau/Federal government. The selection for the service providers is based on this premise. The Bureau operates and pays for the Internet access and we as a school have to make the service provider selections based on these constraints. We are extremely remote and there are a limited number of service providers available. We selected SCS Communications because they are the only company available to provide a microwave service to our area. The same applies to the phone company, i.e. CenturyLink (Century Link is the only company approved by the Navajo Nation for land rights and other rights of passage.) – the only provider in our area.

For your reference please see the original contract as well as the price updated. “ChiChilTah -CSC- 3 Year Signed Internet Contract-Original.pdf” & “Chi Chil Tah-Contract Pricing Changes-SCS-030113”.

- **DR2:** This FRN refers to Wireless Broadband Internet Access service discounts. We originally contracted this service in Funding Year 2010 through the E-rate process because of our remoteness and lack of adequate broadband service. Our first funding request was successfully funded. The original contract was for three years and it was extended in 2012 for an additional three years. Additionally, we have been funded for our Funding Year 2013 request for this same service. In all cases, we filed in accordance with program rules. As above, we filed our Form 470 on 02/17/2012. The Form 470 number for this application is 141110001026301. No bids were requested and no bids were received because this is the only vendor that could meet the requirements. We submitted the contract used in computation as the Item 21 attachment for this FRN with the Form 471 after the allowable contract date of 03/16/2012. We met the guidelines of the 28-day rule as written into the program rules. We checked block 25 on the Form 471 and certified the form within program rules. We are prepared to resubmit any documentation to validate this FRN.

CONCLUSION

We are prepared to submit any documents necessary to support this appeal. Our school sincerely hopes you will consider our situation as justification to approve this appeal so we can receive this vital funding to our school. Our school got approval for this funding request for this service with SCS in both 2010 & 2013. The only reason this was not approved in 2012 was due to Mr. Rossler's health issues and absence from the school. Since this funding was denied, it has created a significant hardship for the school to have to pay the full amount for the 2012 school year.

Thank you kindly for your time and consideration.

Sincerely,

A handwritten signature in black ink, reading "Marlene G. Tsosie". The signature is fluid and cursive, with the first name "Marlene" being the most prominent part.

Marlene Tsosie

Principal

Chi Chil Tah/Jones Ranch